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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/071,313 | 02/08/2002 | Chien-Liang Wu | 7257/66775 | 1107 |
| 7590 03/30/2004 | | | EXAMINER | |
| Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036 | | | TALBOT, BRIAN K | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1762 | |
| DATE MAILED: 03/30/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/071,313 | Applicant(s) WU, CHIEN-LIANG | |
| | Examiner Brian K Talbot | Art Unit 1762 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 8-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/28/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The Election and Amendment filed 12/31/03 has been considered and entered. Claims 15-17 have been added. Claims 1-17 remain in the application.
2. In light of the amendment filed 12/31/03, claims 1-6 are considered generic with claims 7,15,16, and 17 being directed toward species. Claim 7 has been chosen as the elected species. Hence, claims 1-7 are active in the case, with claims 8-17 being non-elected. However, if generic claims 1-6 are found to be allowable then claims 7 and 15-17 would be allowable as well.

Specification

3. The disclosure is objected to because of the following informalities:

On pg. 3, the reference numeral (13) is referred to as internal electrodes (13) and the zinc oxide semiconductor filler (13). Clarification is requested.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted state of the art (specification, pg. 1) or Ravindranathan (5,614,074) in combination with Jones (4,140,551).

Applicant's admitted state of the art (specification, pg. 1) teaches forming a varistor with a zinc phosphate coating whereby the surface of the varistor is contacted with phosphoric acid and heated to form the zinc phosphate coating. This is done prior to forming the metal terminals on either end of the varistor.

Applicant's admitted state of the art (specification, pg. 1) or Ravindranathan (5,614,074) fail to teach forming the zinc phosphate coating on the varistor surface by applying a phosphate compound and heating, i.e. not a reaction between phosphoric acid and the substrate.

Jones (4,140,551) teaches low temperature zinc phosphate coatings can be formed from applying an aqueous phosphating solution. The zinc phosphating solution includes zinc ions, phosphate ion, other metal ions, etc. and can be applied a variety of ways such as dipping, spraying, roll-coating, etc. (col. 4, line 5 – col. 5, line 30).

Therefore, it would have been obvious for one skilled in the art at the time the invention was made to have modified Applicant's admitted state of the art (specification, pg. 1) or Ravindranathan (5,614,074) process by forming the zinc phosphate coating as detailed by Jones (4,140,551) with the expectation of achieving similar results.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K Talbot whose telephone number is (571) 272-1428. The examiner can normally be reached on Monday-Friday 6AM-3PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "B-K Talbot".

Brian K Talbot
Primary Examiner
Art Unit 1762

BKT